IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No.11108 of 2005

Date of Decision: 5.2.2007

Manpreet Kaur .....Petitioner

Versus

State of Punjab and others .....Respondents

CORAM:- HON'BLE MR.JUSTICE J. S. KHEHAR
HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Sandeep Arora, Advocate
for the petitioner.

Mr.BS Chahal, AAG Punjab for respondents 1 and 2.

None for respondent 3.

Mr.RK Arora, Advocate for respondent No.4.

***

J.S.KHEHAR, J.(Oral)

The petitioner claims appointment against the post of Anganwari Worker as a matter of superiority over respondent No.4. This claim of superiority is based on paragraph 4 of the policy instructions pertaining to appointment of Anganwari Worker. Para 4 relied upon by the learned counsel for the petitioner is being extracted hereunder:

> "In case of academic qualification is equal, the daughter-in-law of the village will be given preference to the un-married daughter of the village."

The contention of the learned counsel for the petitioner is sought to be repudiated on the basis of the fact that respondent No.4 is

stated to have possessed better academic qualifications than the petitioner. This assertion at the hands of the petitioner is based on para 1 of the aforestated instructions. The same is being extracted hereunder:

> "1. Anganwari Worker:-
>
> Educational Qualification:-
>
> For the appointment of Anganwari Workers, the minimum educational qualification would be 10th Class pass and the similar examination on the same line. This exam should be passed from a recognized university or Education Board. The candidate, who has higher education, would be given priority. In case of equal merit, the preference will be given to the higher age candidate.
>
> Division of Marks of Education superiority:-
>
> | | |
> |---|---|
> | 1.Tenth pass candidate | 10 Marks |
> | 2. Tenth passed in Ist Class in extra marks | 02 |
> | 3. Tenth passed in Iind Div.in extra marks | 01 |
> | 4. The extra marks of 10+1 pass | 01 |
> | 5. The extra marks of 10+2 pass | 02 |
> | 6. The extra marks of BA Part-I | 03 |
> | 7. The extra marks of BA Part-II | 04 |
> | 8. The extra marks of BA or Higher Edu. | 05" |

It is not a matter of dispute that the petitioner qualified the matriculation examination in the 2nd Division, whereas respondent 4 qualified the matriculation examination in the Ist Division. In view of para 1 extracted hereinabove, it is apparent that respondent No.4 must be deemed to possess superior academic qualifications vis-a-vis the petitioner.

In view of the above, the claim of the petitioner of superiority in terms of para 4 of the policy instructions could have been accepted only if the petitioner and respondent No.4 were equal in terms of academic qualifications. Since that is not so, as has been concluded hereinabove and

since respondent No.4 must be deemed to possess superior academic qualifications vis-a-vis the petitioner in terms of para 1 of the policy instructions, we find no merit in this writ petition and the same is accordingly dismissed.

(J. S. KHEHAR)
JUDGE

(S. D. ANAND)
JUDGE

February 5, 2007
SRM